

REMARKS

The present Amendment is responsive to the Official Action dated March 19, 2007, and is filed in concurrently with a request for continued examination. In the Official Action, Claims 1-10 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 1-11 and 13-18 were rejected under 35 U.S.C. § 102(b) as being anticipated by the international publication WO 02/057959 A2 by Rothmuller *et al.* ("*Rothmuller*"). Claim 12 was rejected under 35 U.S.C. § 103(a) as being obvious over *Rothmuller*. By this Amendment, Applicants have amended Claims 1 and 11-18. Applicants respectfully request reconsideration of the claims in view of the preceding amendments and the following remarks.

I. Rejections under 35 U.S.C. § 101

Independent Claim 1 is directed to a computer program product comprising a computer readable storage medium having computer-readable program instructions for, *inter alia*, "generating a media view that provides access to digital media files and associates digital media files with a predefined time; and . . . generating a time bar that divides time into segments, each segment of time having a size that depends upon the amount of media files associated with the respective segment of time."

The Official Action indicates that the claims "do not recite a practical application by producing a physical transformation or producing a useful, concrete, and tangible results." *See* p. 3 of the Official Action. However, the invention of Claim 1 results in the generation of both a "media view" that associates digital media files with a predefined time and a "time bar" that is associated with media files. These features provide at least for the practical application of aiding in the location of a specific media file from amongst a plurality of stored files. This result is certainly concrete in that it is reproducible. The result is also useful and tangible, in that it is clearly useful in addressing the real world issue of identifying specific media files from amongst a large array of such files.

The above practical application appears to be sufficient to be considered "tangible" under 35 U.S.C. § 101 and related case law. For example, practical applications previously recognized by the courts as providing "tangible" results include: the mathematical transformation of data

into a smooth waveform for display (*In re Alappat*, 33 F.3d 1526 (Fed.Cir. 1994)) and the transformation of electrocardiograph signals numbers representing heart activity (*Arrhythmia Research Technology, Inc. v. Corazonix Corp.*, 958 F.2d 1053 (Fed.Cir. 1992)). The practical advantages afforded by the present application appear to be at least on par with those of *Alappat* and *Arrhythmia*.

Since Claim 1 recites a practical application having useful, concrete, and tangible results, the rejection under 35 U.S.C. § 101 is therefore overcome.

II. Rejections under 35 U.S.C. §§ 102(b) and 103(a)

With regard to the substantive rejections of Claims 1-18, *Rothmuller* is directed to a system for managing digital media files. The system includes a timeline 250 that is divided into periods or segments of time (e.g., years). The temporal metadata associated with each of the digital media files can be used to present a histogram or bar graph that provides an indication of the number of digital media files accumulated during a given period of time. See *Rothmuller*, p. 7, ll. 27-31 and FIG. 3. The segments of time of the timeline are displayed as equally sized sections, and the number of media files associated with a given period of time is indicated using vertical bar graphs with bar heights that are representative of the number of files. The size of the segments of time in *Rothmuller* are unrelated to the number of media files respectively associated with each segment, as only the bar graphs contained within the segments of time have a functional relationship to the number of media files. See *Rothmuller*, FIGS. 1 and 3.

Rothmuller does not describe that the segments of time in the timeline 250 are sized based upon the media files associated with each segment of time, in that the bar graphs of *Rothmuller* are not “segments of time.” However, in order to emphasize this distinction between the cited references and the claimed invention, all of the independent claims have now been amended to recite, in one form or another, “generating a time bar that divides time into segments, each segment of time having a length along the time bar that depends upon the amount of media files associated with the respective segment of time.” Therefore, for at least the foregoing reasons, Applicants respectfully submit that independent Claims 1, 11, 13, and 16, as well as the

claims that depend therefrom, are patentable over *Rothmuller*, and the rejections under 35 U.S.C. §§ 102(b) and 103(a) are overcome.

CONCLUSION

In view of the remarks and amendments presented above, it is respectfully submitted that the claims of the present application are in condition for allowance. It is respectfully requested that a Notice of Allowance be issued in due course. The Examiner is requested to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

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